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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DAWN STRANGE,

Plaintiff,

vs.

COLOPLAST CORP.,

Defendant.

Case No.: 2:21-cv-00972-GMN-DJA

**JOINT MOTION TO CONTINUE
DEFENDANT’S EXPERT DISCLOSURE
DEADLINE**

(SECOND REQUEST)

In accordance with Local Rule IA 6-1, Plaintiff Dawn Strange (“Plaintiff”) and Defendant Coloplast Corp. (collectively, the “Parties”) hereby stipulate and agree, subject to this Court’s approval, to extend Defendant’s expert disclosure, only, by thirty-three (33) days to the parties’ current Rebuttal expert disclosure date. No other deadlines will move.

This stipulation is being entered into in good faith and not for the purpose of delay. An extension of Defendant’s expert disclosure date is necessary to allow Defendant the opportunity to depose Plaintiff prior service of its expert disclosures. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the next judicial day. This is the second request to modify case deadlines.

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1 **I. DISCOVERY THAT HAS BEEN COMPLETED**

2 The Parties have completed the following discovery:

- 3 • The Parties held the Rule 26(f) conference on May 12, 2022.
- 4 • The Parties exchanged their Rule 26(a) disclosures on May 26, 2022.
- 5 • Defendant propounded interrogatories, requests for admissions, and request for
- 6 production of documents on July 1, 2022. Plaintiff responded to Defendant's written
- 7 discovery on August 5, 2022.
- 8 • Defendant has begun collecting medical records from Plaintiff's healthcare providers.

9 **II. DISCOVERY TO BE COMPLETED**

10 The remaining discovery to be conducted by the Parties includes, among other things (1)

11 fact witness depositions, including Plaintiff Dawn Strange and Plaintiff's treating physician, Dr.

12 Geoffrey Hsieh (implanter); (2) initial expert disclosures; (3) rebuttal expert disclosures; and (4)

13 expert depositions.

14 **III. REASONS WHY THE REMAINING DISCOVERY WAS NOT**

15 **COMPLETED**

16 Plaintiff's deposition was scheduled for January 19 and 20, 2023. On January 17, 2023,

17 two days before Plaintiff's deposition was set to occur, Plaintiff's counsel emailed counsel for

18 Defendant and explained that Ms. Strange had a medical procedure (a pudendal nerve block)

19 scheduled during her deposition, so they needed to reschedule. Counsel for Defendant was willing

20 to be flexible on timing and work around Ms. Strange's appointment, but Plaintiff's counsel

21 represented Ms. Strange could not move her procedure and would not be available for deposition

22 until after the currently scheduled expert disclosure date of February 15, 2023. Given the

23 significant injuries alleged and the complex nature of the case, Defendant would be prejudiced by

24 having to serve expert disclosures prior to taking Plaintiff's deposition.

25 Plaintiff's counsel agrees they will serve expert disclosures on February 15, 2023, in

26 accordance with the Court's October 13, 2022 Order (ECF #20). The parties hereby request that

27 Defendant's deadline to serve expert disclosures be extended to March 20, 2023, the current

28

1 rebuttal expert disclosure deadline. Plaintiff agrees this will foreclose her opportunity to serve
2 rebuttal expert disclosures.

3 In the interests of judicial economy and preserving judicial resources, the Parties'
4 respectfully request this modification.

5 **IV. CURRENT TRIAL DATE**

6 No trial date has been set in this matter. The Parties represent that this stipulation is sought
7 in good faith, is not interposed for delay, and is not filed for an improper purpose.

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9 DATED this 3rd day of February, 2023.

10 **WETHERALL GROUP, LTD.**

LEWIS ROCA ROTHGERBER CHRISTIE LLP

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Attorneys for Defendant Coloplast Corp.

20 **ORDER**

21 IT IS SO ORDERED.

22 
23 UNITED STATES MAGISTRATE JUDGE

24 DATED: February 6, 2023